

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,  
  
Plaintiff,

vs.

Criminal Action 2:06-CR-56(1)  
Judge Watson

STEPHANIEANN M. WATKINS,  
  
Defendant.

**REPORT AND RECOMMENDATION**

The United States of America and defendant Stephanieann M. Watkins entered into a plea agreement whereby defendant agreed to enter a plea of guilty to Count I of the Indictment, which charges her with conspiracy to traffic or otherwise use unauthorized access devices in violation of 18 U.S.C. §371. Doc. No. 11.<sup>1</sup> On March 14, 2006, defendant, accompanied by her counsel, appeared for arraignment.

During the plea proceeding, the undersigned observed the appearance and responsiveness of defendant in answering questions. Based on that observation, the undersigned is satisfied that, at the time she entered her guilty plea, defendant was in full possession of her faculties, was not suffering from any apparent physical or mental illness, and was not under the influence of narcotics or alcohol.

Prior to accepting defendant's plea, the undersigned addressed her personally and in open court and determined her competence to plead. Based on the observations of the undersigned, defendant understands the nature and meaning of the charge returned in Count I of the Indictment and the consequences of her plea. Defendant was also addressed

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<sup>1</sup>The Indictment also contains a forfeiture count, which defendant will not contest.

personally and in open court and advised of each of the rights referred to in Rule 11 of the Federal Rules of Criminal Procedure.

Having engaged in the colloquy required by Rule 11, the Court concludes that defendant's plea is voluntary. Defendant acknowledged that the plea agreement signed by her, her attorney and the attorney for the United States on March 10, 2006, and filed on March 14, 2006, represents the only promises made to her by anyone regarding the Indictment. Defendant was advised that the district judge may accept or reject the plea agreement and that, even if the Court refuses to accept any provision of the plea agreement not binding on the Court, defendant may nevertheless not withdraw her guilty plea.

Defendant confirmed the accuracy of the material aspects of the investigating officer's statement of facts supporting the charge. She confirmed that she is pleading guilty to count one of the Indictment and agrees not to contest the forfeiture count because she is in fact guilty of the offense charged in Count I of the Indictment. The Court concludes that there is a factual basis for the plea.

The Court concludes that defendant's plea of guilty to Count I of the Indictment, and her agreement not to contest the forfeiture count, is knowingly and voluntarily made with the understanding of the nature and meaning of the charge and of the consequences of her plea.

It is therefore **RECOMMENDED** that defendant Stephanieann M. Watkins' guilty plea to Count I of the Indictment be accepted. Decision on acceptance or rejection of the plea agreement was deferred for consideration by the District Judge after the preparation of a presentence investigation report.

In accordance with S.D. Ohio Crim. R. 32.1, and as expressly agreed to by defendant through counsel, a written presentence investigation report will be prepared by the United States Probation Office. Defendant will be asked to provide information and her attorney

may be present if defendant so wishes. Objections to the presentence report must be made in accordance with the rules of this Court.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within ten (10) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. §636(b)(1); F.R. Civ. P. 72(b). Response to objections must be filed within ten (10) days after being served with a copy thereof. F.R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the *Report and Recommendation* will result in a waiver of the right to de novo review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*. See *Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Federation of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

March 21, 2006

s/Norah McCann King  
Norah McCann King  
United States Magistrate Judge